

MONTANA LEGISLATIVE HISTORY

Chapter 646 1987

Bill H 570 S _____ Original bill & history ✓ C

H. Committee on Business + Labor ✓

Hearing Date(s) 2/10 ✓ C

2/18 ✓ C

_____ C

_____ C

Date Out _____ C

S. Committee on Business + Industry ✓

Hearing Date(s) 3/6 ✓ C

3/23 ✓ C

_____ C

_____ C

Did this bill originate in an interim committee? _____ Yes _____ No ✓

Committee _____

Report _____

Ch. No.	Senate Bill	House Sponsor Bill	Title
636	331	E. Smith	AN ACT TO ESTABLISH A PHEASANT ENHANCEMENT PROGRAM TO BE ADMINISTERED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; TO PROVIDE FUNDING THROUGH INCREASED LICENSE FEES; AMENDING SECTIONS 87-2-401, 87-2-402, 87-2-505, AND 87-2-711, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.....Page 1753
637	360	Bishop	AN ACT REVISING THE NOTICE REQUIREMENTS CONCERNING A SUPPLIER'S RIGHT OF ACTION ON A BOND UNDER A PUBLIC CONSTRUCTION CONTRACT; AMENDING SECTION 18-2-206, MCA; AND PROVIDING AN APPLICABILITY DATE.....Page 1755
638	371	Regan	AN ACT PERMITTING INSURERS TO ENTER INTO AGREEMENTS WITH HEALTH CARE PROVIDERS AND TO ISSUE POLICIES THAT INCLUDE INCENTIVES FOR UTILIZING SERVICES RENDERED BY PROVIDERS WITH WHOM THE INSURER HAS AN AGREEMENT; AND PROVIDING AN APPLICABILITY DATE AND AN EFFECTIVE DATE.....Page 1756
639	102	Grady	AN ACT ASSESSING A 50-CENT WEED CONTROL FEE UPON THE ANNUAL REGISTRATION OF ALL MOTOR VEHICLES SUBJECT TO REGISTRATION; ALLOCATING THE PROCEEDS TO BE USED FOR CHEMICAL AND NONCHEMICAL NOXIOUS WEED MANAGEMENT; REVISING THE PERMITTED USE OF NOXIOUS WEED MANAGEMENT FUNDS; AMENDING SECTION 80-7-814, MCA; AND PROVIDING AN EFFECTIVE DATE.....Page 1759
640	206	McCormick	AN ACT TO ALLOW A VIDEO DRAW POKER MACHINE TO ACCEPT CASH IN THE FORM OF BILLS NOT TO EXCEED \$5; AND AMENDING SECTION 23-5-606, MCA.....Page 1761
641	241	Spaeth	AN ACT PROVIDING A PROCEDURE AND REMEDIES FOR WRONGFUL DISCHARGE; AUTHORIZING ARBITRATION AS AN ALTERNATIVE; ELIMINATING COMMON-LAW REMEDIES; REPEALING SECTIONS 39-2-504 AND 39-2-505, MCA; AND PROVIDING AN APPLICABILITY CLAUSE AND AN EFFECTIVE DATE.....Page 1764
642	256	Pistoria	AN ACT INCREASING CERTAIN FILING FEES IN CIVIL CASES; CREATING NEW FILING FEES; REQUIRING THE FEE INCREASES AND NEW FEES TO BE USED TO FUND DISTRICT COURT OPERATIONS; AMENDING SECTIONS 19-5-404 AND 25-1-201, MCA; AND PROVIDING AN EFFECTIVE DATE.....Page 1767
643	277	Connelly	AN ACT AUTHORIZING COUNTIES TO ESTABLISH DRINKING AND DRIVING PREVENTION PROGRAMS; PROVIDING FOR FUNDING WITH A DRIVER'S LICENSE REINSTATEMENT FEE; PROVIDING AN APPROPRIATION TO THIS PROGRAM; AND PROVIDING AN EFFECTIVE DATE.....Page 1771
644	459	Keenan	AN ACT CHANGING THE DATE OF THE MONTANA PRESIDENTIAL PRIMARY AND SCHOOL ELECTIONS; AMENDING SECTIONS 13-1-104, 13-1-302, 13-10-201, 13-10-401 THROUGH 13-10-403, 13-10-405, AND 20-20-105, MCA; REPEALING SECTION 13-10-406, MCA; AND PROVIDING EFFECTIVE DATES.....Page 1772
645	460	Keenan	AN ACT PERMANENTLY INCREASING THE FEE FOR DISSOLUTION OF MARRIAGE; PROVIDING FOR FEE DISPOSITION; AMENDING SECTION 25-1-201, MCA; REPEALING SECTION 13, CHAPTER 610, LAWS OF 1985; AND PROVIDING AN EFFECTIVE DATE.....Page 1776
646	570	Brandewie	AN ACT PROVIDING THAT IF AN ALL-BEVERAGES LICENSE IS USED AT A GOLF COURSE OR A PUBLICLY OWNED GOLF COURSE BEER AND WINE LICENSE IS ISSUED, THE ALCOHOLIC BEVERAGES MAY BE SOLD BY THE LICENSEE FROM A PORTABLE DEVICE AS WELL AS AT THE GOLF COURSE CLUBHOUSE AND CONSUMED AT ANY PLACE WITHIN THE BOUNDARIES OF THE GOLF COURSE; AMENDING SECTION 16-3-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.....Page 1778

HOUSE FINAL STATUS

3/17 TABLED IN COMMITTEE

HB 569 INTRODUCED BY GRADY, ET AL.
EXPAND APPLICABILITY OF RESIDENCY DEFINITION USED IN
PREFERENCE LAWS

2/02	INTRODUCED		
2/02	REFERRED TO BUSINESS & LABOR		
2/05	HEARING		
2/06	COMMITTEE REPORT--BILL PASSED		
2/09	2ND READING PASSED	87	9
2/10	3RD READING PASSED	92	6

	TRANSMITTED TO SENATE		
2/11	REFERRED TO BUSINESS & INDUSTRY		
3/10	HEARING		
3/12	COMMITTEE REPORT--BILL CONCURRED		
3/17	2ND READING CONCURRED AS AMENDED	50	0
3/17	SEGREGATED FROM COMMITTEE OF WHOLE REPORT	48	0
3/18	2ND READING CONCURRED	48	0
3/20	3RD READING CONCURRED	49	0

RETURNED TO HOUSE
3/23 SIGNED BY SPEAKER
3/24 SIGNED BY PRESIDENT

3/25 TRANSMITTED TO GOVERNOR
3/29 SIGNED BY GOVERNOR
CHAPTER NUMBER 284 EFFECTIVE DATE: 3/29/87

HB 570 INTRODUCED BY BRANDEWIE, ET AL.
ALLOW RETAIL GOLF COURSE ALL-BEVERAGE LICENSE FOR
PRIVATE AND PUBLIC COURSES

2/02	INTRODUCED		
2/02	REFERRED TO BUSINESS & LABOR		
2/10	HEARING		
2/18	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	73	19
2/21	3RD READING PASSED	73	19

	TRANSMITTED TO SENATE		
2/23	REFERRED TO BUSINESS & INDUSTRY		
3/06	HEARING		
3/24	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/28	2ND READING CONCURRED	50	0
3/30	3RD READING CONCURRED	48	2

	RETURNED TO HOUSE WITH AMENDMENTS		
4/08	2ND READING AMENDMENTS CONCURRED	69	13
4/09	3RD READING AMENDMENTS CONCURRED	82	13
4/14	SIGNED BY SPEAKER		
4/14	SIGNED BY PRESIDENT		

4/15	TRANSMITTED TO GOVERNOR		
4/16	RETURNED WITH GOVERNOR'S AMENDMENTS		
4/20	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	89	9
4/21	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	89	10

TRANSMITTED TO SENATE
4/23 2ND READING GOVERNOR'S AMENDMENTS

HOUSE FINAL STATUS

	CONCURRED	50	0
4/23	3RD READING GOVERNOR'S AMENDMENTS		
	CONCURRED	48	0
4/28	SIGNED BY SPEAKER		
5/01	SIGNED BY PRESIDENT		
5/01	TRANSMITTED TO GOVERNOR		
5/11	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 646	EFFECTIVE DATE:	5/11/87

HB 571 INTRODUCED BY DAILY, ET AL.
RAISE FROM 16 TO 18 THE AGE OF CHILDREN WHOSE
WELFARE MAY BE ENDANGERED

2/02	INTRODUCED		
2/02	REFERRED TO HUMAN SERVICES & AGING		
2/07	HEARING		
2/09	COMMITTEE REPORT--BILL PASSED		
2/11	2ND READING PASSED	85	11
2/12	TAKEN FROM 3RD READING AND PLACED ON SECOND READING		
2/12	2ND READING PASSED AS AMENDED	88	7
2/14	3RD READING PASSED	88	7
	TRANSMITTED TO SENATE		
2/16	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/25	HEARING		
3/25	COMMITTEE REPORT--BILL CONCURRED		
3/28	2ND READING CONCURRED	50	0
3/30	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
4/02	SIGNED BY SPEAKER		
4/02	SIGNED BY PRESIDENT		
4/03	TRANSMITTED TO GOVERNOR		
4/07	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 405	EFFECTIVE DATE:	10/01/87

HB 572 INTRODUCED BY O'CONNELL, ET AL.
LIMITING CERTAIN GAS TAX ALLOCATIONS TO PORTIONS OF
FIRST 17 CENTS TAX

2/02	INTRODUCED		
2/02	REFERRED TO TAXATION		
2/03	FISCAL NOTE REQUESTED		
2/05	FISCAL NOTE RECEIVED		
2/18	HEARING		
2/18	COMMITTEE REPORT--BILL NOT PASSED		
2/19	ADVERSE COMMITTEE REPORT ADOPTED	68	26

HB 573 INTRODUCED BY WINSLOW
BALANCED BUDGET STATUTES

2/02	INTRODUCED		
2/02	REFERRED TO APPROPRIATIONS		
2/04	HEARING		
2/06	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/10	2ND READING PASSED	87	11
2/11	3RD READING PASSED	88	8
	TRANSMITTED TO SENATE		
2/12	REFERRED TO FINANCE & CLAIMS		
3/11	HEARING		

INTRODUCED BY Dr. Lewis Carroll 370
 HOUSE BILL NO. 370
 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IF AN
 ALL-BEVERAGES LICENSE IS USED AT A GOLF COURSE, THE
 ALCOHOLIC BEVERAGES MAY BE SOLD BY THE LICENSEE AND CONSUMED
 AT ANY PLACE WITHIN THE BOUNDARIES OF THE GOLF COURSE; AND
 AMENDING SECTION 16-3-302, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-3-302, MCA, is amended to read:

"16-3-302. Sale of beer by retailer for consumption on premises. (1) It ~~shall be~~ is lawful for a licensed retailer to sell and serve beer, either on draught or in containers, to the public to be consumed on the premises of ~~such~~ the retailer.

(2) It is lawful for a licensee who has an all-beverages license that he uses at a golf course to sell alcoholic beverages and it is lawful to consume the purchased alcoholic beverages at any place within the boundaries of the golf course, whether inside or outside of a building or other structure."

NEW SECTION. Section 2. Extension of authority. Any existing authority of the department of revenue to make rules on the subject of the provisions of this act is

1 extended to the provisions of this act.

-End-

HOUSE BILL NO. 499 - Prohibit Disclosure of Loan Information Involving Credit Insurance, sponsored by Rep. Jack Sands, House District 90, Billings. Rep. Sands stated this bill was at the request of the State Auditor and makes a small change in the statutes regarding information which may be disclosed by lenders. He said the bill provides that the information obtained for the purposes of acquiring insurance cannot be released at any time without the written consent of the borrower. It broadens the disclosure and makes it more meaningful, he added, and the information obtained is obtained when the loan is made or credit is extended.

PROPOSERS

Kathy Irigoin, Montana Insurance Department, State Auditor's Office. Ms. Irigoin stated the department strongly supports the bill.

Chairman Kitselman stated in order to be consistent with other policies, in the future, the departments could stand as a proponent or opponent for informational purposes only.

OPPOSERS

None.

QUESTIONS

Rep. Driscoll asked to whom the organizations gave the information. Rep. Sands replied they could give it to a credit reporting agency or to another bank for the purpose of establishing somebody's credit rating.

Rep. Driscoll asked if it would not be better if they would not be allowed to give it to anyone, they could give information as to whether or not the loan was rejected or accepted, but not credit life insurance. Rep. Sands responded that this part of the codes deals with loans obtained in the course of securing insurance, and is a part of the insurance code and not a part of the general financial lending regulations.

CLOSING

Rep. Sands made no further comments.

HOUSE BILL NO. 570 - Allow Retail Golf Course All-Beverage License for Private and Public Courses, sponsored by Rep. Raymond Brandewie, House District 49, Bigfork. Rep. Brandewie stated that if the golf course has an all beverage license they could serve beer instead of only soft drinks on the golf course and within the boundaries of the course.

PROPOSERS

Gene Phillips, representing Buffalo Hill Golf Course, Kalispell. Mr. Phillips stated they have a unique situation that the bill would address and solve. He said the tourists that come in to the area are not familiar with the course, and are upset when they cannot buy beer at the halfway house on the course, and this bill would allow them to sell it there.

Mark Manion, Manager, Green Meadow Country Club, Helena. Mr. Manion stated the practice of selling beer and alcoholic drinks with sandwiches and snacks has been a practice as long as there has been golf. He said if this bill does not pass, the practice of drinking any alcoholic beverages on the golf courses won't stop; the golfers would bring their own, which completely takes away the control from the clubs of selling these items on the golf course, or the control over the amount of beverages consumed and the condition of the drinker.

Rep. Robert Pavlovich, House District No. 70, Butte. Rep. Pavlovich stated he supported this bill. He said this would not be abused, the golf courses are fenced so there should be no problems.

Rep. Ed Grady, House District No. 47, Canyon Creek. Rep. Grady stated he supports this bill, and it was good for the golf course to increase their sales and it helps make more money.

OPPOSERS

Don Larson, Legislative Chairman, Montana Tavern Association. Mr. Larson stated he has appeared since the 1959 session in opposition to a special privilege legislation for the golf courses. He commented there has been millions of dollars spent nationwide for research and education regarding the consumption of alcoholic beverages, there has been programs to encourage moderation in drinking, proposed national legislation to prohibit advertising of alcoholic beverages, and legislation to raise the legal drinking age to 21, and in spite of all that, this bill appears. He said they feel that liquor is better sold in a controlled atmosphere.

Phil Strobe, attorney, Montana Tavern Association. Mr. Strobe stated that in a sense this is a public policy decision which the legislators need to answer. He said if the privilege is extended to those who golf, then why not extended it to those who ski or attend rodeos or other activities. He said the reason that should not be done is

that legislation has been passed concerning excessive consumption in uncontrolled environments.

QUESTIONS

Rep. Driscoll asked Mr. Strobe if it was illegal to take a six-pack of beer on the course if the bill passed. Mr. Strobe replied if the bill passed, it would expand the term premises to include all of the course, and if a person came on the premise with a six-pack they would be in technical violation of the law.

Chairman Kitselman asked if there was a wedding reception at the 9th hole and a tent was set up and liquor was served, would that be considered an extension of a catering license. Mr. Blewett responded it would only be covered if it were defined as a special event, and a special permit was requested three days in advance of when it would be catered and a fee paid.

Mr. Strobe responded that the Holiday Inn does use the catering endorsement and every time liquor is served in the convention facility which is a separate building on their property, they exercise the privilege of the catering endorsement and pay the \$35 fee. He said in reference to the country club setting and the outdoor beer gardens, the Park Plaza in downtown Helena, is an example. He said it is adjacent to the building and a door had to be cut from the patio area to give access to the restroom. He added that the department was particular on the identification of adjacent properties and believe the controlling criteria is whether it is amenable to the central facilities of the main building.

CLOSING

Rep. Brandewie made no further comments.

HOUSE BILL NO. 487 - Insurance Consultant's License, sponsored by Rep. Fred Thomas, House District 62, Stevensville. Rep. Thomas stated that the bill was to streamline what a person could do to obtain an insurance consultant's license.

PROPOSERS

Roger McGlenn, Executive Director, Independent Insurance Agents Association of Montana. Mr. McGlenn stated property and casualty consulting is becoming more in demand especially by municipalities in the state. He commented that some of the services provided by property and casualty consultants are insurance coverage review, risk management, loss control, evaluations of buildings and property and

specification drafting for bidding processes. He said these services require a high degree of knowledge and expertise and anyone providing these services should be able to pass the exam to obtain this license.

Bonnie Tippy, representing Montana Association of Life Underwriters. Ms. Tippy stated their philosophy that people who deal with the public in terms of life and health insurance should know what they are doing. She said that if someone has a designation such as CLU which is currently in the law, they do know a lot about life insurance, but ten years later they might not be up to date on what is happening in the industry, and before they are given a consultant's license they should take and pass the test.

Tanya Ask, Montana Insurance Department, State Auditor's Office. Ms. Ask stated the purpose of the bill was to insure that everyone was treated the same.

OPPONENTS

None.

QUESTIONS

Rep. Glaser asked if this bill were to pass, would it prevent the actuary consulting with the legislature regarding worker's compensation. Rep. Thomas stated the bill was for the purpose of obtaining a consultant's license, and had nothing to do with that.

Rep. Brandewie asked if Workers' Compensation hires an outside actuary, would he be required to take and pass this test before he can give information to the Department of Labor. Ms. Ask replied that there are three exemptions for actuaries. She said if someone is presenting themselves as an insurance consultant came in to evaluate the entire plan of insurance that someone has for workers' compensation, that person would have to be licensed as a consultant; but if he is merely advising on actuarial information that the Workers' Compensation Division needs, then he is not a consultant within this definition.

Rep. Brandewie asked, as the law is written, if a person is a member of the American Academy of Actuaries, could he give the information. Ms. Ask responded if he is advising on the total plan and if has has a consultant's license. She said if an individual is acting as a consultant right now, and does not have a license even though he is a member of the Academy, then he is presently in violation of the law.

Rep. Simon asked if the American College of Life Underwriters and the American College of Property and Liability Underwriters, and the others, have certain requirements for membership. Ms. Ask responded they did have, and that both courses of study are very structured, and in order to achieve those designations, a person had to pass a written examination.

CLOSING

Rep. Thomas stated regarding the actuarial business, actuarials shouldn't be allowed an exemption to obtain a consultant's license; they don't sell or work in the insurance coverage portion. He said there are no exemptions to obtain a general license to sell life insurance, property, or casualty insurance, and this would make the policy uniform.

HOUSE BILL NO. 574 - Require Certain Liquor Vendors and Brokers to Employ Resident Representatives, sponsored by Rep. Robert Pavlovich, House District No. 70, Butte. Rep. Pavlovich stated if a vendor, distillery or broker wants to sell liquor in the state, he should have a representative that is a resident of Montana selling the liquor. He said this bill provides that anyone wanting to sell liquor in the state would reside in the state.

PROPOSERS

Gary Blewett, Administrator, Liquor Division, Department of Revenue. Mr. Blewett stated liquor representatives who are residents of the state and servicing the suppliers from all over the nation and the world are an essential part of the liquor system. He said there is better service and better understanding of the salability of the products through suppliers represented by local representatives.

Bob Lemm, liquor representative, state of Montana. Mr. Lemm stated their purpose is to represent the various distilleries and wineries, promote the products to the public sector, and work together with the Liquor Division. He said they know there is a need to establish a residency law, and there are vendors who do not practice using Montana resident representatives. He commented that it would be more economical to attract vendors if there was a residency law, and a lot of vendors leave because Montana does not have one. He said the Montana representatives are licensed by Montana, are residents of Montana, are property owners and taxpayers in Montana.

Michael Lemm, native and resident of Montana. Mr. Lemm asked the committee to support the bill.

BUSINESS AND LABOR

BILL NO. House Bill No. 570

DATE February 10, 1987

SPONSOR Rep. Raymond Brandewie

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Rep. Simon moved that House Bill No. 763 BE TABLED. The motion carried unanimously.

ACTION ON HOUSE BILL NO. 654

Rep. Jones moved that House Bill No. 654 DO PASS. The motion carried unanimously.

Rep. Jones moved the amendments. The motion carried unanimously.

Rep. Jones moved DO PASS AS AMENDED. The motion carried with a vote of 12 to 6, with Reps. Pavlovich, Swysgood, McCormick, Grinde, Nisbet, and Brandewie opposed.

ACTION ON HOUSE BILL NO. 570

Rep. Brandewie moved to lift House Bill No. 570 from the table.

Rep. Jones commented that the bill would give an all-beverage license to a bar that encompasses eighty acres.

Rep. Brandewie moved amendments in the title line 6, following "licensee", insert, "from a portable device as well as at the golf course clubhouse". He explained that this was like a portable refreshment stand.

Rep. Kitselman asked if the portable device could be a motor home or mobile trailer. Rep. Brandewie replied that it could.

The motion to lift House Bill No. 570 from the table carried with a roll call vote of 10 to 7. Roll Call Vote No. 1.

Rep. Jones moved that House Bill No. 570 BE TABLED. The motion FAILED.

Rep. Brandewie moved that House Bill No. 570 DO PASS AS AMENDED. The motion carried with a vote of 9 to 8, with Reps. Hansen, Jones, McCormick, Nisbet, Bachini, Brown, Kitselman, and Thomas opposed.

HOUSE BILL NO. 623

Rep. Bachini moved that House Bill No. 623 DO PASS.

Rep. Brandewie moved an amendment to change any reference of "10%" to "not less than 5%, but not more than 10%". The motion carried with Reps. Pavlovich, Jones, Driscoll, McCormick, and Nisbet opposed.

STANDING COMMITTEE REPORT

FEBRUARY 18

19 87

Mr. Speaker: We, the committee on BUSINESS AND LABOR

report HOUSE BILL NO. 570

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

REP. LES KITSHELMAN

Chairman

AMENDMENTS AS FOLLOWS

1) Title, line 6
Following: "LICENSES"

Insert: "FROM A PORTABLE DEVICE AS WELL AS AT THE GOLF
COURSE CLUBHOUSE"

2) Page 1, line 19
Following: "beverages"
Strike: "and it"
Insert: "1"

(a) in the building or other structural premises
constituting the clubhouse or primary indoor
recreational quarters of the golf course; and

(b) at any place within the boundaries of the golf
course, from a portable satellite vehicle or other
movable satellite device that is moved from place to
place, whether inside or outside of a building or other
structure.

(3) "it"

3) Page 1, lines 19 and 20
Following: "consumax" on line 19
Strike: "the purchased"

4) Page 1, line 20
Following: "beverages"
Insert: "sold as provided in subsection (2)"

FIRST

WHITE

reading copy ()
color

ROLL CALL VOTE

BUSINESS & LABOR

COMMITTEE

DATE Feb. 18, 1987 BILL NO. HB 570 NUMBER 1

NAME	AYE	NAY
REP. LES KITSELMAN, CHAIRMAN		✓
REP. FRED THOMAS, VICE-CHAIRMAN		✓
REP. BOB BACHINI		✓
REP. RAY BRANDEWIE	✓	
REP. JAN BROWN	✓	
REP. BEN COHEN <i>- absent -</i>		
REP. JERRY DRISCOLL	✓	
REP. WILLIAM GLASER	✓	
REP. LARRY GRINDE	✓	
REP. STELLA JEAN HANSEN		✓
REP. TOM JONES		✓
REP. LLOYD MCCORMICK		✓
REP. GERALD NISBET		✓
REP. BOB PAVLOVICH	✓	
REP. BRUCE SIMON	✓	
REP. CLYDE SMITH	✓	
REP. CHARLES SWYSGOOD	✓	
REP. NORM WALLIN	✓	

TALLY

10 7

Elsie Armstrong
Secretary

Les Kitse
Chairman

MOTION: Rep. Brandewie moved to lift HB 570 from table status.

Motion carried - 10 to 7.

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

March 6, 1987

The twenty-ninth meeting of the Business and Industry Committee was called to order by Chairman Allen C. Kolstad at 10 a.m. on Friday, March 6, 1987, in Room 410 of the Capitol.

ROLL CALL: Seven committee members were present with Sens. McLane, Thayer and Walker excused.

CONSIDERATION OF HOUSE BILL NO. 570: Rep. Ray Brandewie, District 49, Bigfork, sponsor of the bill, said the bill provides that if a golf course has an all-beverages liquor license it may sell beverages in the clubhouse and on the course from a portable vehicle or device.

PROPOSERS: Gene Phillips, Kalispell Buffalo Hills Golf Club expressed support for the bill because their ninth hole is about two miles from the clubhouse.

Howard Johnson, representing the University golf course, supported the bill but would like it amended to include also those that serve only beer and wine.

OPPOSERS: Bob Durkee, Montana Tavern Association, felt the language in the bill is too broad and could present problems. He also was against the proposed amendment to include those with the beer and wine license.

DISCUSSION OF HOUSE BILL NO. 570: Chairman Kolstad asked for questions from the committee and Sen. Neuman asked if players could bring their own liquor onto the course, as some now do. Rep. Brandewie responded that probably would be optional as it is now.

Chairman Kolstad asked if the House committee had attempted to amend the bill to include beer and wine. Rep. Brandewie replied that they had not but it would be no problem.

The hearing on House Bill 570 was closed.

CONSIDERATION OF HOUSE BILL NO. 654: Rep. Kelly Addy, District 94, Billings, sponsor of the bill said it creates a special beer and table wine liquor license for certain non-profit arts organizations. The special license may be used at artistic or cultural exhibitions, and the annual fee is \$250. The object of this is to provide revenue for the groups and that would enable them to provide more cultural events.

PROPOSERS: Rep. Addy left written testimony supporting this legislation from the Billings Chamber of Commerce and the Billings City Administrator. (EXHIBITS 1 and 2)

Sen. Williams asked about the Ronan case in 1980 where it cost them \$9500 for the study, what would be the guess as to what it might have cost the State or the PSC for their part of the study. Ms. Driscoll said they were in sort of a neutral role so as far as putting on a case on the consumer's side, a whole lot of that cost is borne by Consumer Counsel which would continue under this bill if they chose to. At that time it would not have been a tremendous amount.

Sen. Meyer asked Mr. Downen about his statement that an individual could protest a rate increase but the testimony from the PSC said 10% of the affected customers would have to petition. Mr. Downen said 10% of the consumers could do that and in another instance, the Consumer Counsel could initiate a case upon receipt of a call from one consumer.

There being no further questions, Rep. Bradley closed her presentation on HB 691 said it is absurd to go through a process that is as costly as the rate increase for which they are asking. She felt the PSC opposed the bill because they were very concerned about consumer protection but the bill had been meticulously drawn to give consumer protection; the 10% petitioning - it is known how many subscribers there are and exactly how many 10% would be.

The hearing was closed on HB 691.

EXECUTIVE ACTION

DISPOSITION OF HOUSE BILL NO. 691: Sen. Neuman MOVED ADOPTION OF THE AMENDMENTS proposed by Rep. Bradley on HB 691, seconded by Sen. Meyer. The MOTION PASSED UNANIMOUSLY. Sen. Neuman MOVED HB 691 BE CONCURRED IN AS AMENDED, seconded by Sen. Meyer. The MOTION PASSED UNANIMOUSLY and Sen. Neuman will carry the bill.

DISPOSITION OF HOUSE BILL NO. 585: Sen. Weeding MOVED HB 585 BE CONCURRED IN, seconded by Sen. Williams. The MOTION CARRIED UNANIMOUSLY. Sen Williams will carry the bill in the Senate.

DISPOSITION OF HOUSE BILL NO. 654: Sen. Hager moved that HB 654 BE CONCURRED IN, but following discussion by the committee, the MOTION WAS WITHDRAWN. Ms. McCue said on page 2 there is a reference to a statute that refers to all beverages and she did not understand how the beer and table wine situation fits into the all beverages quota. She also referred to another statute that deals with retail beer licenses. She suggested they wait on this bill until she could work on an amendment.

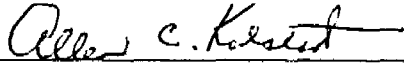
DISPOSITION OF HOUSE BILL NO. 570: Sen. Williams MOVED ADOPTION OF THE AMENDMENT to extend it to any public place with a beer and wine license, seconded by Sen. Neuman. It was pointed out that the golf course has to have the beer and wine license in

hand before they ask for this to enable them to sell it on the course. At the present time they can only sell it in the clubhouse. Ms. McCue mentioned a technical amendment which was needed on line 21; "of" should be "or". The MOTION PASSED with a majority vote, with Sen. Weeding voting "no". Sen. Williams then MOVED HB 570 BE CONCURRED IN AS AMENDED, seconded by Sen. Meyer.

Sen. Neuman asked a question about people bringing their own drinks onto the golf course property. Mr. Johnson said they want to be able to control what goes on on their property and this would allow them to do that. He said heavy drinking on the golf course can cause problems and if they can control what goes on out there that can be eliminated. He said they also have to be more aware of underage persons on the course.

The question was called. Because of several members of the committee being excused the Secretary was instructed to poll the members on their vote.

The meeting was adjourned as there was no further business.


SEN. ALLEN C. KOLSTAD, CHAIRMAN

ADDENDEUM TO THE MINUTES:

Following a poll of the committee members HB 570 resulted in a tie vote on the MOTION TO BE CONCURRED IN AS AMENDED. The votes were as follows: Yes: Kolstad, Neuman, Hager, Williams and Walker. No: Thayer, Boylan, Weeding, Meyer and McLane.

MINUTES OF THE MEETING
BUSINESS AND INDUSTRY COMMITTEE
MONTANA STATE SENATE

March 23, 1987

The fortieth meeting of the Business and Industry Committee was called to order by Chairman Allen C. Kolstad at 10 a.m. on Monday, March 23, 1987, in Room 410 of the Capitol.

ROLL CALL: All committee members were present except Sen. Tom Hager who was excused.

RECONSIDERATION OF HOUSE BILL NO. 570: A Motion by Sen. Harry McLane that the committee reconsider their actions on HB 570 was seconded by Sen. Paul Boylan. The Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 570:

Sen. McLane then made a MOTION that HB 570 BE CONCURRED IN AS PREVIOUSLY AMENDED. The MOTION was Seconded by Sen. Paul Boylan and PASSED UNANIMOUSLY.

DISCUSSION AND DISPOSITION OF HOUSE BILL NO. 437: Sen. Weeding announced to the committee that he had inquired about the cease and desist orders included in HB 437 and the personnel from the Montana Insurance Department had agreed to attend this meeting to give more information and explanation regarding the subject. (EXHIBIT 1)

Ms. Wendy Curran, Executive Assistant to the Auditor, explained that this bill is directed only towards a specific activity that is in violation of the codes. A cease and desist order can be issued against someone's particular activity which is in violation. It would not require the agency, company or the agent to completely shut down everything they are doing for the duration of settling the dispute. She noted that there were some committee members who had expressed concern about the question of opening the entire Code up to cease and desist authority, and they have drafted a proposed amendment which instead of saying that the cease and desist authority applies to the entire provision of the insurance code, it will clearly show only those sections of the code that they would ever use the cease and desist authority for.

Chairman Kolstad wanted to know how much more actual work their department would have to put forth to accomplish the extra duties, since this would involve an extension of their authority. Ms. Curran stated that she believed that